



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 14**

March 6, 1997 - Offered by COMMITTEE ON CHILDREN AND FAMILIES.

1 **AN ACT to amend** 118.125 (2) (cg), 118.125 (2) (L), 165.55 (14), 938.396 (1) and
2 938.78 (2) (b) 1.; and **to create** 118.125 (2) (ch), 165.55 (15), 938.396 (1m) (d),
3 938.396 (1x) and 938.396 (2) (g) of the statutes; **relating to:** access to juvenile
4 records and pupil records by a fire investigator.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 **SECTION 1.** 118.125 (2) (cg) of the statutes is amended to read:
6 118.125 (2) (cg) The school district clerk or his or her designee shall provide a
7 law enforcement agency with a copy of a pupil's attendance record if the law
8 enforcement agency certifies in writing that the pupil is under investigation for
9 allegedly committing a criminal or delinquent act and that the law enforcement
10 agency will not further disclose the pupil's attendance record except as permitted
11 under s. 938.396 (1) to ~~(1r)~~ (1x).

12 **SECTION 2.** 118.125 (2) (ch) of the statutes is created to read:

1 118.125 (2) (ch) The school district clerk of his or her designee shall provide a
2 fire investigator under s. 165.55 (15) with a copy of a pupil's attendance record if the
3 fire investigator certifies in writing that the pupil is under investigation under s.
4 165.55, that the pupil's attendance record is necessary for the fire investigator to
5 pursue his or her investigation and that the fire investigator will use and further
6 disclose the pupil's attendance record only for the purpose of pursuing that
7 investigation.

8 **SECTION 3.** 118.125 (2) (L) of the statutes is amended to read:

9 118.125 (2) (L) A school board shall disclose the pupil records of a pupil in
10 compliance with a court order under s. 48.345 (12) (b), 938.34 (7d) (b), 938.396 (1m)
11 (c) or (d) or 938.78 (2) (b) 2. after making a reasonable effort to notify the pupil's
12 parent or legal guardian.

13 **SECTION 4.** 165.55 (14) of the statutes is amended to read:

14 165.55 (14) The state fire marshal, any deputy fire marshal ~~or, any~~ fire chief
15 or his or her designee may require an insurer, including the state acting under ch.
16 619, to furnish any information in its possession relating to a fire loss involving
17 property with respect to which a policy of insurance issued or serviced by the insurer
18 may apply. Any insurer, including the state, may furnish to the state fire marshal,
19 any deputy fire marshal ~~or, any~~ fire chief or designee information in its possession
20 relating to a fire loss to which insurance issued by it may apply. In the absence of
21 fraud or malice, no insurer furnishing information under this subsection, state fire
22 marshal, deputy fire marshal ~~or, fire chief~~ or designee, and no person acting on behalf
23 of the insurer, state fire marshal, deputy fire marshal ~~or, fire chief~~ or designee, shall
24 be liable in any civil or criminal action on account of any statement made, material
25 furnished or action taken in regard thereto. Information furnished by an insurer

1 under this subsection shall be held in confidence by the state fire marshal, deputy
2 fire marshal ~~or~~, fire chief or designee and all subordinates until release or publication
3 is required pursuant to a civil or criminal proceeding. Information obtained by the
4 state fire marshal, any deputy fire marshal ~~or~~, fire chief or designee during their
5 investigations of fires determined to be the result of arson may be available to the
6 insurer of the property involved.

7 **SECTION 5.** 165.55 (15) of the statutes is created to read:

8 165.55 (15) The state fire marshal, any deputy fire marshal, any fire chief or
9 his or her designee may obtain information relating to a juvenile from a law
10 enforcement agency, a court assigned to exercise jurisdiction under chs. 48 and 938
11 or an agency, as defined in s. 938.78 (1), as provided in ss. 938.396 (1x) and (2) (g) and
12 938.78 (2) (b) 1. and may obtain information relating to a pupil from a public school
13 as provided in ss. 118.125 (2) (ch) and (L) and 938.396 (1m) (d).

14 **SECTION 6.** 938.396 (1) of the statutes is amended to read:

15 938.396 (1) Law enforcement officers' records of juveniles shall be kept
16 separate from records of adults. Law enforcement officers' records of juveniles shall
17 not be open to inspection or their contents disclosed except under sub. (1b), (1d), (1g),
18 (1m), (1r) ~~or~~, (1t) or (1x) or s. 938.293 or by order of the court. This subsection does
19 not apply to representatives of the news media who wish to obtain information for
20 the purpose of reporting news without revealing the identity of the juvenile involved,
21 to the confidential exchange of information between the police and officials of the
22 school attended by the juvenile or other law enforcement or social welfare agencies
23 or to juveniles 10 years of age or older who are subject to the jurisdiction of the court
24 of criminal jurisdiction.

25 **SECTION 7.** 938.396 (1m) (d) of the statutes is created to read:

1 938.396 **(1m)** (d) On petition of a fire investigator under s. 165.55 (15) to review
2 pupil records, as defined in s. 118.125 (1) (d), other than pupils records that may be
3 disclosed without a court order under s. 118.125 (2) or (2m), for the purpose of an
4 investigation under s. 165.55, the court may order the school board of the school
5 district in which a juvenile is enrolled to disclose to the fire investigator the pupil
6 records of that juvenile as necessary for the fire investigator to pursue his or her
7 investigation. The fire investigator may use the pupil records only for the purpose
8 of pursuing his or her investigation and may make the pupil records available only
9 to employes of the fire investigator who are working on the investigation.

10 **SECTION 8.** 938.396 (1x) of the statutes is created to read:

11 938.396 **(1x)** If requested by a fire investigator under s. 165.55 (15), a law
12 enforcement agency may, subject to official agency policy, disclose to the fire
13 investigator any information in its records relating to a juvenile as necessary for the
14 fire investigator to pursue his or her investigation under s. 165.55. The fire
15 investigator may use and further disclose the information only for the purpose of
16 pursuing that investigation.

17 **SECTION 9.** 938.396 (2) (g) of the statutes is created to read:

18 938.396 **(2)** (g) Upon request of a fire investigator under s. 165.55 (15) to review
19 court records for the purpose of pursuing an investigation under s. 165.55, the court
20 shall open for inspection by authorized representatives of the requester the records
21 of the court relating to any juvenile who has been adjudicated delinquent or found
22 to be in need of protection or services under s. 938.13 (12) or (14) for a violation of s.
23 940.08, 940.24, 941.10, 941.11, 943.01, 943.012, 943.013, 943.02, 943.03, 943.04,
24 943.05, 943.06 or for an attempt to commit any of those violations.

25 **SECTION 10.** 938.78 (2) (b) 1. of the statutes is amended to read:

